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EXTRAORDINARY

PART I—Section 1

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SUPREME COURT OF INDIA

NOTIFICATION

New Delhi, the 19th August 1950

No. F.10/49-F.O.J.—The following is published for general information:—

The Supreme Court of India, in the exercise of its rule-making powers, and with the approval of the President, hereby makes the following amendments to the Supreme Court Rules, 1950:—

Add the following at the end of Order XLV, Part IX:—

“PART X

ORDER XLVI

Appeals and other proceedings transferred under clause (4) of article 374 of the Constitution.

1. Notwithstanding anything contained in the preceding Orders, the rules contained in this Order shall apply to all appeals and other proceedings which stand transferred to the Supreme Court from the Judicial Committee of Hyderabad under clause (4) of article 374 and which are heard at Hyderabad

2. (1) The Chief Justice may from time to time nominate two or more Judges to constitute a Division Bench to perform the duties assigned by these Rules to a Division Bench and nominate one of the Judges of the Court sitting at Hyderabad to perform the duties assigned to a single Judge or a Chamber Judge under these Rules.

(2) The sittings of the Division Bench and of the single Judge and a Chamber Judge shall be held at such place at Hyderabad as the Chief Justice may, from time to time, direct.

3. A single Judge sitting in Court shall have power to dispose of all pending applications; and a Judge in Chambers may deal with all interlocutory applications:

Provided that he may in his discretion adjourn any particular matter to the Division Court.

4. Notwithstanding any orders previously made in the course of the proceedings before the Judicial Committee of Hyderabad, every appeal pending before the Court sitting at Hyderabad shall be heard by a Division Bench consisting of not less than two Judges.

5. The Court sitting at Hyderabad shall have power to direct the hearing of any particular appeal or proceeding before it by the Court sitting at Delhi; and in the event of such a direction being given, the rules contained in the

preceding Orders shall be applicable to such proceedings in their further stages, to the exclusion of the Provisions in this Order.

6. Notwithstanding anything contained in these Rules, including those in this Order, the Court sitting at Hyderabad shall have the power to give such directions and make such orders in procedural matters as may be necessary for the ends of justice or to prevent abuse of the process of the Court, in respect of the appeals and proceedings dealt with by it at Hyderabad.

7. The Court sitting at Hyderabad may permit the use of the Urdu language to such extent as it thinks fit in respect of proceedings or appeals pending before it:

Provided that the Judgements delivered, Decrees passed or Orders made by it shall be in the English language.

8. The Chief Justice shall determine the terms during which the Division Court is to sit at Hyderabad; and shall also fix the vacation for the Court sitting at Hyderabad:

Provided that the total period of vacation shall not exceed the period covered under rule 4 of Order II in Part I of these Rules.

9. The duties assigned to, and the powers exercisable by, the Registrar under the Rules of the Supreme Court, shall respectively be discharged and exercised in respect of all proceedings before the Court sitting at Hyderabad by the Deputy Registrar at Hyderabad.

10. The Deputy Registrar shall be the Taxing Officer of the Court sitting at Hyderabad; and in the Taxation of costs he shall generally be guided by the practice followed by the Judicial Committee of Hyderabad, unless the Court in disposing of a matter has ordered the payment of a lump sum for costs.

11. Appeals and applications pending before the Court sitting at Hyderabad may be proceeded with at Hyderabad either by the party in person or, subject to the next succeeding rule, by a legal practitioner; the engagement of an Agent is dispensed with and a Senior Advocate may appear and plead without a Junior in respect of all such matters heard at Hyderabad.

12. The following classes of legal practitioners will be entitled to act or appear and plead before the Court sitting at Hyderabad:—

- (a) Advocates who have been duly enrolled as Senior or other Advocates of the Supreme Court;
- (b) In Criminal matters, legal practitioners who filed in the Registry of the Judicial Committee of Hyderabad their *Vakalatnama* before the 26th January, 1950;
- (c) Legal practitioners of the High Court of Hyderabad of not less than 10 years, standing who are specially permitted to do so by the Court sitting at Hyderabad on payment of a fee of Rs. 50.

13. It will not be obligatory for the parties to lodge in the said pending appeals a Statement of the Case as provided in rule 1 of Order XVIII, Part II, of these Rules.

14. In those civil cases in which the record has not so far been printed, the printing of the record, unless otherwise ordered by the Court, may be effected in accordance with the procedure previously obtaining in the Judicial Committee of Hyderabad. The record need not be printed in criminal cases, unless the Court otherwise directs".

By order of the Court

P. N. MURTY,

Registrar, Supreme Court of India.